

COMMITTEE AMENDMENT FORM

DATE: 03/27/ 07

COMMITTEE CITY UTILITIES

PAGE NUM. (S) 1

ORDINANCE I. D. #07-O-0456

SECTION (S)

RESOLUTION I. D. #07-R-

PARA. CAPTION

AMENDS THE LEGISLATION BY INSERTING THE FOLLOWING
LANGUAGE AFTER "SECTION 32-3-4;" IN THE CAPTION OF THE
ORDINANCE; "TO AUTHORIZE THE WAIVER OF SECTIONS 2-
1541 (d), 2-1542 AND 2-1545 (d) OF THE CODE OF ORDINANCES;"

AMENDMENT DONE BY COUNCIL STAFF 03/27/07

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF THE CONSTRUCTION AND DESIGN OF VARIOUS UNPAVED STREETS PURSUANT TO THE CITY OF ATLANTA'S UNPAVED STREET PAVINGS PROGRAM; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE WAIVER OF SECTIONS 2-1541(d), 2-1542 AND 2-1545(d) OF THE CODE OF ORDINANCES; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements and necessary rights-of-way from various property owners for the purpose of the construction and design of various unpaved streets pursuant to the City of Atlanta's unpaved street pavings program; and

WHEREAS, State Law, O.C.G.A. 32-3-4 authorizes the use of Declaration of Taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of Declaration of Taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involve construction and roadway improvements; and

WHEREAS, state law requires a finding by a municipality that circumstances necessitate the use of Declaration of Taking before such method of condemnation can be used by a municipal government; and

WHEREAS, in order to complete the proposed construction and roadway improvements in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, are waived.

SECTION 8: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from city council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

SECTION 9: That the City Attorney, or her designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these construction and roadway improvements, with the assistance of the City of Atlanta consultants and sub-consultants.

SECTION 10: That all costs associated with this ordinance shall be charged to and paid from Fund, Account, and Center numbers: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F073692BH (Unpaved Street Pavings, District 1); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F073792BH (Unpaved Street Pavings, District 3); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F073892BH (Unpaved Street Pavings, District 4); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F073992BH ; (Unpaved Street Pavings, District 5) 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F074092BH (Unpaved Street Pavings, District 6); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F074292BH (Unpaved Street Pavings, District 8); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F074392BH (Unpaved Street Pavings, District 9); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F074492BH (Unpaved Street Pavings, District 11); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F074592BH (Unpaved Street Pavings, District 12).

Berry, Alfred

From: Riley, Dawn
Sent: Thursday, March 29, 2007 1:54 PM
To: Berry, Alfred
Subject: List of projects for 07-O-0456

Mr. Berry,

I am providing you the list of unpaved street sites for ordinance 07-O-0456. They are:

- 1st Street
- Beatie Avenue
- Felder Street
- Field Street
- Glen Echo
- Maiden Lane
- Niskey Lake Road
- Pershing Avenue
- Spain Place
- St. John's Avenue
- St. John's Circle
- Tucker Avenue
- Tye Street

If you require additional information to amend this legislation please let me know. Thanks!

3/29/2007

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

07- 0 -0456

AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF THE CONSTRUCTION AND DESIGN OF VARIOUS UNPAVED STREETS PURSUANT TO THE CITY OF ATLANTA'S UNPAVED STREET PAVINGS PROGRAM; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements and necessary rights-of-way from various property owners for the purpose of the construction and design of various unpaved streets pursuant to the City of Atlanta's unpaved street pavings program; and

WHEREAS, State Law, O.C.G.A. 32-3-4 authorizes the use of Declaration of Taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of Declaration of Taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involve construction and roadway improvements; and

WHEREAS, state law requires a finding by a municipality that circumstances necessitate the use of Declaration of Taking before such method of condemnation can be used by a municipal government; and

WHEREAS, in order to complete the proposed construction and roadway improvements in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, are waived.

Part II: Legislative White Paper:

Committee of Purview: City Utilities

Caption: AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF THE CONSTRUCTION AND DESIGN OF VARIOUS UNPAVED STREETS PURSUANT TO THE CITY OF ATLANTA'S UNPAVED STREET PAVING PROGRAM; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

Council Meeting Date: March 19, 2007

Requesting Dept.: Public Works

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose is to add funds to acquire right of way
(Task) to construct various unpaved streets which are
under Citywide paving projects within the City of Atlanta

2. Please provide background information regarding this legislation.

The design of the unpaved streets category has progressed to right of way stages. The City of Atlanta is to provide funds needed to procure the task to acquire the right of way by A/E consultant

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A

(f) Proposals Received: N/A

(g) Bidders/Proponents: N/A

(h) Term of Contract: N/A

4. Fund Account Center: N/A

5. Source of Funds: *Example: Local Assistance Grant* QOL, Impact Fees

6. Fiscal Impact:

7. Method of Cost Recovery:

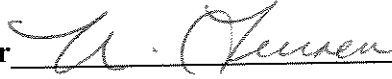
This Legislative Request Form Was Prepared By: Dawn Riley

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Nikki Turner



Contact Number: x 6001

Originating Department: Public Works

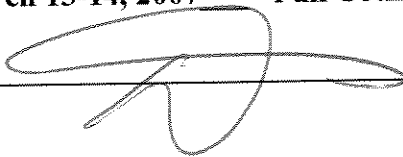
Committee(s) of Purview: City Utilities

Council Deadline: February 26, 2007

Committee Meeting Date(s): March 13-14, 2007

Full Council Date: March 19, 2007.

Commissioner Signature



CAPTION

AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF THE CONSTRUCTION AND DESIGN OF VARIOUS UNPAVED STREETS PURSUANT TO THE CITY OF ATLANTA'S UNPAVED STREET PAVINGS PROGRAM; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

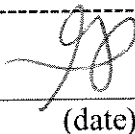
FINANCIAL IMPACT: n/a

Mayor's Staff Only

Received by Mayor's Office:

2.27.07
(date)

Reviewed by:


(date)

Submitted to Council:

3/2/07
(date)